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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 02, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANTOINE B.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 2:20-CV-76-RMP

ORDER DISMISSING COMPLAINT
FOR FAILURE TO STATE A CLAIM

On May 4, 2020, the Court reviewed the legal sufficiency of Plaintiff Antoine B.'s¹ Complaint because Plaintiff is proceeding *in forma pauperis*. *See* 28 U.S.C. 76§1915(e)(2). When a litigant proceeds *in forma pauperis*, the district court is required to screen that litigant's complaint for legal sufficiency and must dismiss the action if it fails to state a claim upon which relief may be granted. *Id.* Upon review, the Court found that Plaintiff's Complaint did not state a claim upon which relief

¹ In the interest of protecting Plaintiff's privacy, the Court will use Plaintiff's first name and last initial, and, subsequently, Plaintiff's first name only, throughout this decision.

1 may be granted because Plaintiff did not allege that the Appeals Council issued a
2 decision in this case or that Plaintiff even sought review from the Appeals Council.
3 ECF No. 7 at 2; *see* 42 U.S.C. § 405(g); *Sims v. Apfel*, 530 U.S. 103, 106–107
4 (2000).

5 The Court granted Plaintiff sixty (60) days to submit a First Amended
6 Complaint curing the deficiencies explained in the Court’s Order. ECF No. 7 at 4.
7 The deadline expired on July 6, 2020, and Plaintiff has yet to amend or voluntarily
8 dismiss his Complaint. Therefore, this case will be dismissed for failure to state a
9 claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

10 Accordingly, **IT IS HEREBY ORDERED:** Plaintiff’s Complaint is
11 **DISMISSED WITHOUT PREJUDICE.**

12 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
13 Order, enter a judgment of dismiss without prejudice, provide a copy to Plaintiff and
14 to counsel, and **close this case.**

15 **DATED** November 2, 2020.

16 _____
17 *s/ Rosanna Malouf Peterson*
18 ROSANNA MALOUF PETERSON
19 United States District Judge
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